

APPEAL NO. 040973  
FILED JUNE 15, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 5, 2004. The hearing officer determined that the respondent's (claimant) \_\_\_\_\_, compensable injury extends to and includes the degenerative joint disease and radiculopathy in addition to a lumbar sprain/strain. The appellant (self-insured) appeals, contending that there was insufficient evidence to support the hearing officer's determinations, that the decision and order is wrong as a matter of law, and that the hearing officer abused his discretion in deciding the matter in the manner that he did. The appeal file does not contain a response from the claimant.

DECISION

Affirmed.

We first note that our review of the record reveals no indication that the hearing officer committed any legal error or in any way abused his discretion in deciding this matter. The sole issue before the hearing officer was extent-of-injury and the resolution of this issue involved a question of fact for the hearing officer. The 1989 Act makes the hearing officer the sole judge of the weight and credibility to be given to the evidence. Section 410.165(a). Conflicting evidence was submitted on the disputed issue. An appellate body is not a fact finder and does not normally pass upon the credibility of witnesses and evidence or substitute its judgment for that of the trier of fact, even if the evidence would support a different result. Texas Workers' Compensation Commission Appeal No. 950084, decided February 28, 1995. Our review of the record reveals that the hearing officer's extent-of-injury determination is supported by sufficient evidence and is not so contrary to the overwhelming weight of the evidence as to be clearly wrong or unjust. Thus, no sound basis exists for us to disturb that determination on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **STATE OFFICE OF RISK MANAGEMENT (a self-insured governmental entity)** and the name and address of its registered agent for service of process is

For service in person the address is:

**RON JOSSELET, EXECUTIVE DIRECTOR  
STATE OFFICE OF RISK MANAGEMENT  
300 W. 15TH STREET  
WILLIAM P. CLEMENTS, JR. STATE OFFICE BUILDING, 6TH FLOOR  
AUSTIN, TEXAS 78701.**

For service by mail the address is:

**RON JOSSELET, EXECUTIVE DIRECTOR  
STATE OFFICE OF RISK MANAGEMENT  
P.O. BOX 13777  
AUSTIN, TEXAS 78711-3777.**

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Daniel R. Barry  
Appeals Judge

CONCUR:

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Robert W. Potts  
Appeals Judge

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Veronica L. Ruberto  
Appeals Judge